

REMARKS

Claims 1-21, 23-49, 52, 53, 56, 57, and 59-68 are pending in the application. Claim 22 has been cancelled without prejudice. Claims 50, 51, 54, 55, and 58 have been withdrawn, but are suitable for rejoinder upon allowance of the pending generic claim from which they depend.

Claims 1-41, 61, and 62 are allowed and previously added claims 63-66 should be allowed since they depend from one of the allowed independent claims 1 or 21. Additionally, Applicants acknowledge and appreciate the rejoinder of claims 6, 15-17, 27, and 36-38.

Reexamination and reconsideration of claims 42-49, 52, 53, 56, 57, 59, 60, 67, and 68 are respectfully requested.

Claims 42-49, 52, 53, 56, 57, 59 and 60 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 6,389,204 (the '204 patent) in view of U.S. Pat. No. 5,838,863 (the '863 patent). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the teachings must be present.

It is respectfully submitted that the skilled artisan would not have been motivated, nor taken a suggestion, to make the purported modification. Moreover, the amendment of claims 1, 10, 21, 25, 26, 27, 35, 41, 57, 61, 62, 64, and 68, or any other claim, is not an admission that the art of record alone or in combination teaches, discloses, or otherwise suggests the features of the amended claims; rather, the amendments are made to improve readability of the claims.

First, fiber optic cable 20 has "...a space 27, at the time of extrusion, disposed between a cable core 80 and a jacket 28, thereby allowing relative movement among layer 25, yarns 26, optical fiber components 24 and jacket 28, for example, during

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cable bending and/or thermal variation." See Col. 4, ll. 10-15 of the '204 patent. On the other hand, the '863 patent teaches "...a sealing process of an opening space inner a cable comprising mixing components (A) and (B) as described above and introducing the resulted mixture into said opening space under pressure, followed by curing to form a polyurethane resin, whereby sealing the opening space." See Col. 2, ll. 3-8 and 9-13 of the '863 patent.

The skilled artisan would have understood that the '863 patent introduces the material into the space under pressure for sealing the cable, whereas the '204 patent uses a space for allowing movement among the cable components. Consequently, the skilled artisan would not have been motivated to make the purported modification given the teaching of the '204 patent because it may inhibit relative movement among cable components.

Second, the '204 patent teaches that glass yarns 26 act as strength members for providing tensile strength for the cable. Although, "central member 22 can be a material that preferably can withstand a predetermined fraction of the tensile load of cable 20", it is not intended to carry the entire tensile load. See Col. 5, ll. 39-41 of the '204 patent. In other words, glass yarns 26 carry a substantial fraction of the tensile load applied to the cable. The purported modification removes glass yarns 26 and replaces them with the polyurethane resin of the '863 patent which is not a strength member.

Simply stated, the skilled artisan would not have been motivated to remove a plurality of strength members from cable 20 that add tensile strength and replace them with a component that does not provide tensile strength. As shown, central member 22 has a predetermined diameter so that optical fibers are tightly packed and uniformly distributed about the same. Moreover, increasing the central member diameter would disrupt the packing arrangement and undesirably increase the cable diameter. Thus, the skilled artisan would not have been motivated, nor taken a

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suggestion to make the purported modification since it would reduce the tensile rating of the cable, which could result in damaging the cable during installation.

For at least the reasons stated herein, a *prima facie* case of obviousness with respect to claims 42-49, 52, 53, 56, 57, 59 and 60 is lacking. The withdrawal of the sec. 103(a) rejection of claims 42-49, 52, 53, 56, 57, 59, 60, 67, and 68 is warranted and respectfully requested.

Applicants respectfully request rejoinder of claims 50, 51, 54, 55, and 58 under 37 CFR 1.141. Rejoinder is warranted and proper in this application since independent claim 42 is generic to all species.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


Michael E. Carroll, Jr.
Attorney
Reg. No. 46,602
P.O. Box 489
Hickory, N. C. 28603
Telephone: 828/901-6725

Date: August 5, 2005

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